

GREEN SHEET REDIGEST

HB 735

2016 Regular Session

Abramson

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

TAX RETURN: Provides relative to the deadlines for the payment of certain taxes and the time and place for the filing of certain income tax returns

DIGEST

Corporate Income Tax Returns

Present law requires corporate income tax returns made on the basis of the calendar year to be made and filed with the secretary on or before the 15th day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed on or before the 15th day of the 4th month following the close of the fiscal year.

Proposed law changes present law for claims made on the basis of the calendar year from requiring that returns be filed on or before the 15th day of the April following the close of the fiscal year to requiring that returns be filed on or before the 15th day of May following the close of the fiscal year.

Proposed law changes present law as it relates to returns made on the basis of a fiscal year from requiring that returns be filed on or before the 15th day of the 4th month following the close of the fiscal year to requiring that returns be filed on or before the 15th day of the 5th month following the close of the fiscal year.

Partnership and Composite Returns

Proposed law requires income tax returns for partnerships made on the basis of the calendar year to be made and filed with the secretary on or before the 15th day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed with the secretary on or before the 15th day of the 4th month following the close of the fiscal year.

Proposed law requires composite returns required to be made for an entity treated as a partnership for state income tax purposes made on the basis of the calendar year shall be made and filed with the secretary on or before the 15th day of May following the close of the calendar year. Composite returns required to be made for an entity treated as a partnership for state income tax purposes made on the basis of a fiscal year shall be made and filed with the secretary on or before the 15th day of the 5th month following the close of the fiscal year.

Present law requires returns made on the basis of the calendar year to be made and filed with the secretary on or before 15th day of April following the close of the calendar year. Returns made on the basis of a fiscal year shall be made and filed on or before the 15th day of the 4th month following the close of the fiscal year with the secretary.

Proposed law changes present law as it relates to returns made on the basis of a calendar year from requiring that returns be filed on or before the 15th day of April following the close of the fiscal year to requiring that returns be filed on or before the 15th day of May following the close of the calendar year.

Payment of Taxes

Present law requires the total amount of tax on a calendar year return to be paid on the 15th day of April following the close of the calendar year. However, if the taxpayer files a calendar year return prior to that date, the taxes shall be paid when the return is filed.

Present law requires the total amount of tax on a fiscal year return to be paid on the 15th day of the 4th month following the close of the fiscal year. However, if the taxpayer files a fiscal year return prior to that date, the taxes shall be paid when the return is filed.

Proposed law changes the date to pay taxes filed on calendar year returns from April 15th to May 15th and changes the date to pay taxes filed on fiscal year returns from the 4th month to the 5th month following the close of the calendar year and fiscal year respectively.

Present law requires, for purposes of corporate franchise taxes, the tax to be paid on or before the 15th day of the 3rd month following the month in which the tax is due. The tax is computed on the basis of the previous calendar or fiscal year closing and is due on the first day of each calendar or fiscal year and annually thereafter.

Proposed law changes the date for the payment of corporate franchise taxes from the 15th day of the 3rd month following the month the tax is due to the 15th day of the 4th month following the month the tax is due.

Applicable for income tax periods beginning on and after Jan. 1, 2016 and corporate franchise tax period beginning on and after Jan. 1, 2017.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:103(A), 287.614(A)(1), 287.651(A)(1), and 609(A))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add requirement that if a taxpayer is claiming a transferable tax credit on a tax return, the effective date of transfer must be on or before the due date of the return, inclusive of extensions.
2. Add requirement that if a taxpayer is claiming a transferable tax credit on a tax return with an effective date of transfer after the due date of the return, including extensions, the credit may be utilized as a payment of tax liability.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the reengrossed bill

1. Make technical changes to effective date.
2. Removes provisions regarding the purchase date of transferable tax credits.